



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 5, 1996

Mr. Carlos J. Garza
Assistant City Attorney
City of Weslaco
500 South Kansas
Weslaco, Texas 78596-6285

OR96-0886

Dear Mr. Garza:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. You assert that certain of the requested information is excepted from required public disclosure under section 552.103 of the Government Code. Your request was assigned ID# 40068.

Chapter 552 of the Government Code imposes a duty on governmental bodies seeking an open records decision pursuant to section 552.301 to submit that request to the attorney general within ten days after the governmental body's receipt of the request for information. The time limitation found in section 552.301 is an express legislative recognition of the importance of having public information produced in a timely fashion. *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381 (Tex. App.--Austin 1990, no writ). When a request for an open records decision is not made within the time period prescribed by section 552.301, the requested information is presumed to be public. *See* Gov't Code § 552.302. This presumption of openness can only be overcome by a compelling demonstration that the information should not be made public. *See, e.g.*, Open Records Decision No. 150 (1977) (presumption of openness overcome by a showing that the information is made confidential by another source of law or affects third party interests).

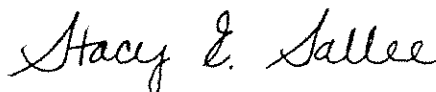
The first request for information that the City of Weslaco (the "city") received was dated November 7, 1995. Information you provided indicates that the requestor asked again for this information on January 3, 1996. Another request for this same information was made by the requestor on March 11, 1996. The city did not seek a ruling from this office on the requests for information until April 11, 1996, more than ten days after the first request for information was received. Consequently, we find that you have not met

your burden under sections 552.301 through 552.303 of the act and that the information is presumed to be public. Open Records Decision No. 195 (1978).

As you did not submit the information requested to this office for review, we are enclosing a list of the types of information that are confidential by law or under constitutional principles or judicial decision. We caution that this list is illustrative only and does not include every confidentiality provision.

In the absence of a demonstration that the information is confidential by law or that other compelling reasons exist as to why the information should not be made public, you must release the information. *Id.*; see also Gov't Code § 552.352 (distribution of confidential information is criminal offense). If you have any questions regarding this matter, please contact our office.

Yours very truly,



Stacy E. Sallee
Assistant Attorney General
Open Records Division

SES/ch

Ref.: ID# 40068

Enclosure: Confidentiality list

cc: Mr. Jeff C. Riviera
413 "B" Business Highway 83
Weslaco, Texas 78596
(w/enclosure)